

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6357 OF 2004

Shri Mukund Dhanaji Kadam

... Petitioner

V/s

The Principal,
Sadguru Ghadage Maharaj College,
Karad & ors.

... Respondents

Shri Dilip Bodake for the petitioner.

Shri Prashant Patil with R.V. More for the respondent
Nos. 1 & 2.

CORAM: P.V. KAKADE, J.

DATED: 13TH APRIL, 2006

P.C.:

1. Heard learned counsel for both parties. Perused the record.

2. Rule. Rule made returnable forthwith.

3. By this writ petition, the petitioner has challenged the order dated 18.3.2004 passed by the Presiding Officer, Pune/Shivaji University and College Tribunal, Pune, in Appeal No. 9 of 2003 whereby the appeal was dismissed and order of termination dated 30.4.2003 was

confirmed.

4. It appears from the record that the petitioner was selected by duly constituted Selection Committee and, was appointed subject to passing of NET/SET Examination. In this regard, without further elaboration, it must be noted that the issue involved in this matter is squarely covered by the number of judgments of this Court of Division Bench as well as Single Bench of this Court.

5. In **Writ Petition No. 5782 of 2001**, the Division Bench passed order dated 18.4.2002 which was decided relying upon the Division Bench judgment of this Court at Aurangabad Bench holding that the G.R. dated 18.10.2001 was legal and valid except the fact that clause 2(b) thereof is held unsustainable and, therefore, it was quashed and set aside and as a consequence of this setting aside the terminations effected by the various managements have become unsustainable. The said judgements were followed by another Division Bench of this Court while passing the order dated 9.12.2003 in **Writ Petition No. 3929 of 2002** which was again followed by the Single Bench judgment in the case of **M.G.Shirnatti, The Principal, Lajpatrai College of Commerce, Mumbai & anr. v/s Purnima Sharma &**

ors., reported in 2004 II C.L.R. 623.

The ratio laid down by the said judgments is seen to be applicable mutatis-mutandis to the present set of facts involved in this case.

6. Hence, the rule is made absolute and the petition is disposed of with no order as to costs with following directions:-

The order of termination of employment of the petitioner is quashed and set aside and the management is further directed to reinstate the petitioner in service. The management is further directed to refer the case of the petitioner to the University within four months. The University shall process the same and forward the same to the authority under University Grant Commission within four months thereafter and University Grant Commission shall take decision within four months of receiving the request from the management. The management is directed to pay back wages to the petitioner. It is clarified that the management will at liberty to seek grant in aid in relation on that count if it has not been already done and utilized it for the replacement.

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